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SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION - FELONY BRANCH

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

UNITED STATES OF AMERICA : Case No. 2012CF118405
: 11/13/2012 P 3:19
v. : Judge Ramsey Johnson
: FILED
ARISTON DICKSON : Sentencing: June 7, 2013

GOVERNMENT'S MEMORANDUM IN AID OF SENTENCING

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this memorandum in aid of sentencing in the above-captioned case. The government respectfully requests that the Court accept the 11(e)(1)(C) plea agreement entered by the parties and sentence the defendant Ariston Dickson (hereinafter the "defendant") to a period of incarceration of eight (8) years. In support of this request, the government states as follows:

1. On January 11, 2013, the defendant entered a guilty plea to voluntary manslaughter and felon in possession of a firearm for the fatal shooting of Robert Lesueur. Prior to the date in question, the defendant and the victim had never met each other. In fact, the defendant had only laid eyes on the victim for a matter of seconds before he fired the shots that took the life of Robert Lesueur.

2. Robert Lesueur, known as Mo to his family and friends, was 23 years old on October 21, 2012. He had been living with Jessica Pryor, the mother of his eight-month old daughter, McKenzie, in Ms. Pryor's apartment on 27th Street, SE, at the time. However, on October 21, 2012, Ms. Pryor and the victim argued, and she kicked him out of the apartment.

Later that night, Ms. Pryor invited another man – the defendant – to the apartment. While the defendant and Ms. Pryor were watching movies in the apartment, the victim came to the apartment, looking for his cell phone charger. However, when Ms. Pryor stated that she was not going to let Mr. Lesueur into the apartment, the victim became insistent upon entering the apartment. Mr. Lesueur began banging and kicking on the door, and stated words to the effect of “if someone is in there, let me know,” and “open this door or I will kick it down; if someone is in there he has to see me.” Notably, however, at no time did the victim state that he had a weapon or threaten any kind of bodily harm to anyone inside the apartment.

3. While Mr. Lesueur was kicking and banging on the door, the defendant was still inside the apartment, sitting on Ms. Pryor’s bed. When the victim’s banging and kicking on the door became more insistent – before the victim even entered into the apartment – the defendant rolled a black ski mask over his face, covering his entire face except his eyes.

4. The victim forced open the front door of the apartment. When the defendant heard the door being forced open, he removed his loaded 9 mm caliber handgun and extended his arm towards the open bedroom door in anticipation of the victim’s arrival. When the victim appeared in the doorway of Ms. Pryor’s bedroom – completely unarmed – the defendant shot at the victim three times. Two of the shots hit Mr. Lesueur in the chest and he collapsed to the ground. The defendant, still wearing the black ski mask, fled the apartment.

5. The defendant stated in his Pre-Sentence Report (“PSR”) that he “could have taken this case to trial for self-defense.” However, the law requires that in order avail oneself of a self-defense claim, the defendant may not use any greater force than he actually and reasonably believed was necessary under the circumstances to save his life or avoid serious bodily injury.

Notably, in this case, at no time did the victim make any threats or give any indication that he was armed. Yet, the defendant acted with deadly force immediately and without pause. The defendant's actions of putting on a mask, removing his gun, and extending his arm towards the door – all before the victim even came into view of the bedroom – show that the defendant did not even take them time to determine what kind of force was appropriate in the circumstances. In addition, the defendant did not just brandish the gun at the victim, or even fire the gun in the air, warning the victim that he was armed and would defend himself. Instead, the defendant fired the gun three times – striking the victim twice – and then ran from the apartment, keeping his face covered with the mask.

6. The defendant is a “Box A” offender. As such, the applicable voluntary sentencing guidelines for his voluntary manslaughter offense is 4-10 years. The applicable sentencing guideline range for the felon in possession offense is 12 - 36 months. In fashioning the sentence in this case, the government submits that the Court should consider that this was a manslaughter offense that was committed while the defendant was armed with a firearm, and the fatal injuries were caused by his use of that firearm. Notably, the applicable sentencing range for a charge of voluntary manslaughter while armed would be 7 ½ - 15 years. Of further significance is that this is not the defendant’s first conviction for a weapons offense. He is on probation for a 2010 conviction in which he was under the age of 21 and in possession of a regulated firearm in Maryland.

7. The government submits that a sentence of eight (8) years of incarceration (which is the 11(e)(1)(C) sentence agreed upon by the parties) – is the appropriate sentence based on all

of the facts of this case, the loss of life suffered by the victim's family, the defendant's criminal record, and his utter lack of remorse in this case.

WHEREFORE, the government respectfully requests that the Court accept the 11(e)(1)(C) plea agreement and sentence the defendant, Ariston Dickson, to a period of eight (8) years of incarceration.

Respectfully submitted,

RONALD C. MACHEN JR.
UNITED STATES ATTORNEY



KIMBERLEY C. NIELSEN
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing to be served by electronic mail upon the attorney for the defendant, Judith Pipe on this 6th day of June, 2012.



KIMBERLEY C. NIELSEN
Assistant United States Attorney